

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.17680 OF 2003

Date: 18th September 2006

Between:

K.V.S.Gupta, S/o Ranga Rao,
Aged 57 years, Occ: business,
R/o H.No.16-2-751/55/5, plot No.5,
S.B.H. Colony, P & T Colony,
Gaddiannaram, Hyderabad.

.... Petitioner.

And

1. Junior Inspector/Sale Officer,
Bharat Mercantile Co-operative
Urban Bank Limited, 1st Floor,
M.G.R. Estate, behind Model House,
Punjagutta, Hyderabad and 4 others.

.... Respondents.

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ORDER:

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It appears that the petitioner participated in an auction conducted by the first respondent notified on 17.04.2003 in Eenadu Telugu Daily inviting general public to participate in open auction to be conducted on 22.4.2003 at 2-00 p.m. The petitioner paid an amount of Rs.25,000/- towards earnest money deposit and he also further paid an amount of Rs.2,32,250/- being 15 per cent of the auction amount. However, thereafter in view of

certain developments the property could not be registered in the name of the petitioner. Therefore, the petitioner sought refund of Rs.25,000/- towards earnest money deposit and Rs.2,32,250/- being the 15 per cent of the auction amount. The respondents have refunded the same on 13.6.2003, which was received by the petitioner. Thereafter, the present writ petition is filed saying that the petitioner is entitled for execution of registered sale deed in his favour in respect of auctioned property.

2. I am of the opinion that once the earnest money deposit amount and 15 per cent of the auction amount has already been refunded as per the request made by the petitioner, the petitioner is not entitled for any relief as sought for. It is further seen that the petitioner has not even reserved his right for claiming auctioned property thereafter if the same is free from litigation. The writ petition is devoid of merits and is liable to be dismissed and accordingly dismissed. No order as to costs.

C.V.RAMULU, J.

Date: 18th September 2006.
BSB